

EXHIBIT 36

Page 1

1 IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

2 MONIQUE RUSSELL, et al. :

3 Plaintiffs : Case No.:

4 Vs. : CAL17-22761

5 DIMENSIONS HEALTH CORP., : CAL17-37091

6 et al. : CAL18-07863

7 Defendants :

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10 Deposition of ELSA MIGUELINA POWELL, was
11 taken via Videotape on Wednesday, March 27, 2019,
12 commencing at 9:56 a.m., at Schochor, Federico &
13 Staton, P.A., The Paulton, 1211 St. Paul Street,
14 Baltimore, Maryland, before MICHELE D. LAMBIE,
15 Notary Public.

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21 Reported By: Michele D. Lambie, CSR-RPR

	Page 2	Page 4
1 APPEARANCES:		1 PROCEEDINGS
2 ON BEHALF OF THE PLAINTIFFS:		2 THE VIDEOGRAPHER: Good morning. We are
3 Schochor, Federico & Staton, P.A.		3 going on the record at 9:56 a.m. on March 27th,
4 TARA CLARY, ESQUIRE		4 2019. This media unit one of the video-recorded
5 tclary@sfspa.com		5 deposition of Elsa Powell taken in the matter of
6 The Paulton		6 Monique Russell, et al. v Dimensions Health Corp,
7 1211 St. Paul Street		7 et al. filed in the Circuit Court for Prince
8 Baltimore, Maryland 21202		8 George's County, Maryland. The Case Number is
9 (410) 234-1000		9 CAL17-22761, and Case Number CAL17-37091, and Case
10		10 Number CAL18-07863.
11 ON BEHALF OF THE DEFENDANTS:		11 This deposition is being held at
12 Pessin Katz Law, P.A.		12 Schochor, Federico and Staton located at 1211
13 BRIAN M. CATHELL, ESQUIRE		13 St. Paul Street, Baltimore, Maryland 21202.
14 bcathell@pklaw.com		14 My name is Curtis Roginski, and I'm the
15 901 Dulaney Valley Road, Suite 400		15 videographer. The court reporter is Michele
16 Towson, Maryland 21204		16 Lambie.
17 (410) 938-8800		17 Will counsel please identify yourselves
18		18 and state whom you represent?
19 ALSO PRESENT: Curtis Roginski - Videographer		19 MS. CLARY: Tara Clary for the
20		20 Plaintiffs.
21		21 MR. CATHELL: Brian Cathell on behalf of
	Page 3	Page 5
1 EXAMINATION INDEX		1 the Defendants.
2		2 THE VIDEOGRAPHER: Will the court
3 WITNESS: ELSA MIGUELINA POWELL	PAGE	3 reporter please swear in the witness.
3 DIRECT BY MR. CATHELL	5	4 ELSA MIGUELINA POWELL
4		5 the Deponent, called for examination by the
5 EXHIBIT INDEX		6 Defendants, being first duly sworn to tell the
6 (Attached to Transcript.)		7 truth, the whole truth, and nothing but the truth,
7 MARKED		8 testified as follows:
ELSA MIGUELINA POWELL		9 DIRECT EXAMINATION
8 Exhibit 1 Answers to Interrogatories	12	10 BY MR. CATHELL:
9 Exhibit 2 Consent Form	56	11 Q. Good morning, Ms. Powell. I introduced
10 Exhibit 3 Consent Form	57	12 myself informally off the record. Have you had
11 Exhibit 4 Consent Form	58	13 your deposition taken before?
12 Exhibit 5 Birth Band	64	14 A. No.
13 Exhibit 6 Consent Form	67	15 Q. Okay. So, just a few rules before we get
14		16 started, okay? The first rule or -- the first rule
15		17 is if you need a break at any time, you're allowed
16		18 to do so. You can take a break for any reason or
17		19 no reason. Just let one of us know, and we may
18		20 take a break as well.
19		21 So, if -- if you need to go to the
20		
21		

<p>1 bathroom or get a drink or something, that's 2 certainly okay, all right? 3 A. (Nodding head yes.) 4 Q. We're not holding you hostage, fair? 5 A. Fair. 6 Q. Okay. She is taking down everything that 7 we say. Because of that, your responses need to be 8 verbal; yes, no, I don't know. But they can't be 9 head nods or um-hums or huh-uhs because she has 10 difficulty typing that down, is that fair? 11 A. Fair. 12 Q. Okay. If -- if I ask you a question 13 today that you don't understand, which is entirely 14 possible, please let me know, and I'm happy to 15 rephrase it as many times as I need to, okay? 16 A. Yes, sir. 17 Q. If we're talking about a topic that 18 you're confused about, which is likely my fault, 19 just let me know, and I'm happy to try to clarify 20 my questions and to drill down on what it is I'm 21 asking for, okay?</p>	Page 6	<p>1 Q. And what did you assume the new name, 2 take the new name of Powell? 3 A. January 13, 2015. 4 Q. And are you currently married? 5 A. Yes. 6 Q. And I assume you've been married 7 continuously since January 13th, 2015? 8 A. Correct. 9 Q. And was that your first marriage? 10 A. Yes. 11 Q. And what's the name of your spouse? 12 A. Gregory Lamont Powell, III. 13 Q. And how many children do you have? 14 A. Five. 15 Q. Okay. Can you tell me their names and 16 ages starting with the oldest? 17 A. Lucy, she's 13. Nestor, he's 12. 18 Josiah, he's eight. Jaiden, he's four, and 19 Tatiana, she's two. 20 Q. Who lives in your home with you now? 21 A. Myself, my husband, and my children.</p>
<p>1 A. Yes, sir. 2 Q. And, lastly, I think we're going to talk 3 about some personal and -- and difficult topics 4 today, and it is not my intention to embarrass you. 5 This is our opportunity to explore the topic of 6 class certification, and so there are certain areas 7 that I need to explore with you here today. So, 8 I -- I don't want you to embarrass you, and I 9 certainly don't want to upset you, okay? 10 A. I understand. 11 Q. Okay. What is your name? 12 A. Elsa Powell. 13 Q. And what is your date of birth, 14 Ms. Powell? 15 A. April 14, 1987. 16 Q. And what is your current address? 17 A. 12705 Livo Place, Upper Marlboro, 18 Maryland 20772. 19 Q. Okay. And have you gone by any other 20 names or aliases? 21 A. My maiden name, which is Delvillar-Mejia.</p>	Page 7	<p>1 Q. All five children? 2 A. Yes. 3 Q. And which children do you share in common 4 with Mr. Powell? 5 A. Jaiden and Tatiana. 6 Q. And do Lucy, Nestor, and Josiah share a 7 father? 8 A. Lucy and Nestor do. 9 Q. Okay. What was his name or is his name? 10 A. Nestor Mercedes. 11 Q. Okay. And what is the name of the father 12 of Josiah? 13 A. Waldemar Rodriguez. 14 Q. Can you spell the first part for me? 15 A. W-A-L-D-E-M-A-R. 16 Q. Rodriguez? 17 A. Yes. 18 Q. Okay. And who was living with you in 19 September of 2014 when you -- when you were in 20 contact with Dr. Akoda or when -- I assume that's 21 when you gave birth to Jaiden, correct?</p>

Page 10	Page 12
1 A. That's correct.	1 Answers to Interrogatories, marked for
2 Q. Okay. Who was living with you at that	2 identification.)
3 time?	3 BY MR. CATHELL:
4 A. My three oldest children.	4 Q. And if you'll turn to the second to the
5 Q. And Mr. Powell?	5 last page I believe -- the third to the last page.
6 A. No.	6 MS. CLARY: Are you looking for the
7 Q. And when did Mr. Powell first start	7 signature line?
8 living with you?	8 MR. CATHELL: Yes.
9 A. January 2015.	9 MS. CLARY: Do you mind if I grab it for
10 Q. So, after the marriage?	10 you?
11 A. Yes.	11 (Document tendered.)
12 Q. I'd like to talk about your educational	12 MS. CLARY: I'm not sure I'm doing any
13 background. Do you hold any degrees or	13 better here. There you go.
14 certifications?	14 BY MR. CATHELL:
15 A. Certifications, yes.	15 Q. In the top-left portion of the document,
16 Q. Okay. And which certifications do you	16 is that your signature, Ms. Powell?
17 hold?	17 A. That's correct.
18 A. I'm certified in the Spanish language. I	18 Q. Okay. And did you participate or provide
19 also hold a Maryland guard card.	19 information for your attorneys to draft the Answers
20 Q. Is that National Guard?	20 to Interrogatories?
21 A. No. It's a security guard card. They	21 A. That's correct.
Page 11	Page 13
1 call it certification card. A CPR certification	1 Q. Okay. If you'll turn to page 12,
2 card as well.	2 specifically answer to Interrogatory Number 16,
3 Q. And a certification in Spanish language,	3 your employment history is listed?
4 I -- I won't go into that too much, but that's a	4 A. Page 12?
5 certification that you're proficient in --	5 Q. Yes. If you'll just review that for me
6 A. In the Spanish language.	6 briefly. Is that employment history still accurate
7 Q. -- speaking or teaching Spanish, correct?	7 as we sit here today?
8 A. Correct.	8 A. No. There's been some change.
9 Q. Are you employed currently?	9 Q. Okay. And what are those changes?
10 A. Yes.	10 A. MVM, it's partner with Paragon Systems,
11 Q. So, for the sake of brevity, I -- you	11 and we're contractors for NIH.
12 participate -- I assume you participated in -- in	12 Q. So, the entity title has changed, but
13 drafting Answers to Interrogatories, and in the	13 you're still employed at the same --
14 interrogatories, you include your employment	14 A. Yes.
15 positions. So, I will show you what I've marked	15 Q. -- in the same position, correct?
16 as -- what I'm going to mark. Instead of us going	16 A. Correct.
17 through all of them, I'm just going to show you the	17 Q. And you started with MVM in June of 2018,
18 interrogatories, and then ask you questions about	18 correct?
19 each, is that fair?	19 A. Correct.
20 A. Um-hum. Yes, sir.	20 Q. And what are your responsibilities at
21 (Whereupon, Powell Deposition Exhibit 1,	21 MVM?

	Page 14	Page 16
1 A. Administrative.		1 the time.
2 Q. Okay. And are you in a particular		2 Q. And what were the circumstances under
3 department, or are you just administrative?		3 which you left VMG Resources in July 2014?
4 A. Building 31 at NIH.		4 A. My other three children needed full-time
5 Q. And what are your daily roles and		5 care that I wasn't provided with my schedule at VMG
6 responsibilities?		6 Resources.
7 A. Answer the phone, do reports, cover		7 Q. And prior to VMG Resources, you were with
8 shifts.		8 Little Imaginations Development Center. Is that a
9 Q. Okay.		9 child-care facility?
10 A. It's a lot.		10 A. Yes.
11 Q. All right.		11 Q. Okay. And you were there from April 2013
12 A. It's --		12 to June 2013?
13 Q. I'm sure it is. Are you full time?		13 A. Correct.
14 A. Yes.		14 Q. And what were the circumstances under
15 Q. And is that five days a week?		15 which you left Little Imaginations in June of 2013?
16 A. Yes.		16 A. The pay was not what I expected.
17 Q. Okay. And prior to MVM, you were with		17 Q. And did you work outside of the home
18 Blueline Security Services, correct?		18 between June 2013 and February of 2014?
19 A. That's correct.		19 A. No, I did not.
20 Q. And what were the circumstances under		20 Q. And I assume that was also to care for
21 which you left Blueline Security Ser- -- Services?		21 your children at that time?
	Page 15	Page 17
1 A. MVM offered a better opportunity for me.		1 A. Yes.
2 Q. And what did you do between April of		2 Q. I notice in your Answers to
3 18 -- 2018 and June of 2018?		3 Interrogatories, you listed George Washington
4 A. I was taking care of my two-year-old		4 Hospital special police officer. Are you still
5 daughter, who was born with a kidney issue.		5 credentialed as a police officer?
6 Q. Okay. And would that have been Tatiana?		6 A. No. I'm credentialed as a security
7 A. Yes.		7 guard.
8 Q. Okay. Prior to Blueline Security		8 Q. Okay. Were you credentialed as a special
9 Services, you were a front-desk agent at VMG		9 police officer?
10 Resources, correct?		10 A. Yes, I was.
11 A. That's correct.		11 Q. And it's my understanding that that is a
12 Q. And you were there from February 2014 to		12 certification that you have to maintain as the
13 July 2014?		13 years pass; is that correct?
14 A. That's correct.		14 A. Correct.
15 Q. What employment outside of the		15 Q. And I assume you just, for whatever
16 home -- understanding that employment inside of the		16 reason, didn't maintain that certification?
17 home is much more rigorous than employment outside		17 A. That's correct.
18 of the home. What employment, if any, did you hold		18 Q. So, this is a question that we're -- that
19 outside of the home between July 2014 and November		19 I have to ask everybody, so it's not particular to
20 2017?		20 you.
21 A. I was not working outside of the home at		21 Have you since your 18th birthday, while

<p style="text-align: right;">Page 18</p> <p>1 you were represented by counsel, ever pleaded 2 guilty to or have been convicted of any crime, 3 other than a minor traffic violation?</p> <p>4 MS. CLARY: Objection, but you can 5 answer.</p> <p>6 THE WITNESS: Never.</p> <p>7 BY MR. CATHELL:</p> <p>8 Q. I didn't -- I didn't suspect so. And 9 you've never had your deposition taken before, 10 correct?</p> <p>11 A. Correct.</p> <p>12 Q. Have you ever been a Plaintiff or a 13 defendant in any lawsuit?</p> <p>14 A. No.</p> <p>15 Q. Have you ever made a claim for injury 16 against any individual, business, or other entity?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And tell me about that claim.</p> <p>19 A. CVS about nine years ago gave me the 20 wrong medication.</p> <p>21 Q. And was that in Baltimore?</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. When -- when you say you bled out, did 2 you -- were you hospitalized as a result of 3 the -- the -- taking the aspirin?</p> <p>4 A. Not hospitalized. They let me go the 5 same day, but it kind of pushed the miscarriage.</p> <p>6 Q. I'm sorry. Did you have any lasting or 7 permanent injury as a result of the medication 8 error?</p> <p>9 A. No.</p> <p>10 Q. Did you make a claim for that same 11 scenario for any mental health damages, --</p> <p>12 A. No.</p> <p>13 Q. -- such as depression or anxiety?</p> <p>14 A. No.</p> <p>15 Q. Is that the only claim you've made?</p> <p>16 Other than the current lawsuit, is that the only 17 claim you've made against a healthcare provider?</p> <p>18 A. Yes.</p> <p>19 Q. Have you ever made a Workers' 20 Compensation claim?</p> <p>21 A. No.</p>
<p style="text-align: right;">Page 19</p> <p>1 A. No.</p> <p>2 Q. Or in Maryland?</p> <p>3 A. Maryland, yes.</p> <p>4 Q. Okay. And what type of claim did 5 you -- did you make?</p> <p>6 A. I do not recall. I -- my lawyer handled 7 everything. I know there was a settlement for 8 10,000.</p> <p>9 Q. Okay. Do you know if a lawsuit was ever 10 filed on your behalf?</p> <p>11 A. I do not recall.</p> <p>12 Q. And the medication error, did it cause 13 you injury?</p> <p>14 A. Yes.</p> <p>15 Q. And tell me about the injury it caused 16 you.</p> <p>17 A. It caused me to bleed out.</p> <p>18 Q. Can you describe that for me?</p> <p>19 A. I was in the process of having a 20 miscarriage, and CVS gave me aspirin, which led for 21 me to bleed out.</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Have you ever suffered physical, 2 emotional, or sexual abuse of any kind by any 3 person at any time in your life?</p> <p>4 A. No.</p> <p>5 Q. Have you ever been injured physically, 6 mentally, or emotionally in any way by any other 7 person at any time?</p> <p>8 A. No.</p> <p>9 Q. Have you ever been hospitalized, other 10 than to deliver one of your children?</p> <p>11 A. No.</p> <p>12 Q. I know you have five children.</p> <p>13 How -- how many times have you been pregnant?</p> <p>14 A. Six.</p> <p>15 Q. Have you ever been diagnosed with a 16 condition that affects or limits your activities in 17 any way?</p> <p>18 A. No.</p> <p>19 Q. And that would include a mental or a 20 physical condition?</p> <p>21 A. No.</p>

Page 22	Page 24
1 Q. Have you ever been diagnosed with a 2 mental illness of any kind?	1 respiratory infection, so she prescribed some cough 2 pills and an inhaler.
3 A. No.	3 Q. Do you currently have an OB/GYN?
4 Q. Have you taken any medications at any 5 time in your life for a mental illness, which would 6 also include depression or anxiety?	4 A. Yes, I do.
7 A. No.	5 Q. And who is that? What is that person's 6 name?
8 Q. Have you ever been diagnosed with 9 posttraumatic stress disorder?	7 A. I do not know his name.
10 A. No.	8 Q. And the doctor is a male?
11 Q. Talking about your prior medical history, 12 who is -- starting with your current primary care 13 provider. Do you have a current primary care 14 provider?	9 A. Yes.
15 A. Yes, I do.	10 Q. Do you know where his office is located?
16 Q. And what is his or her name?	11 A. Kaiser Permanente', Marlton.
17 A. Emily Lo, L-O.	12 Q. Are you saying --
18 Q. And where is Dr. Lo located?	13 A. Marlton.
19 A. Kaiser Permanente', Camp Springs, 20 Maryland.	14 Q. -- Marlton?
21 Q. And how long have you been a patient of	15 A. Yes. It's -- it's in Marlton, 16 and --
	17 Q. Marlton as -- as in the city of Marlton?
	18 A. In Maryland. Well, it's considered 19 Temple Hills as well.
	20 Q. Okay.
	21 MS. CLARY: M-A-R-L-T-O-N.
Page 23	Page 25
1 Dr. Lo, if you know?	1 MR. CATHELL: Thank you. I had not heard 2 of that.
2 A. Three to four years.	3 MS. CLARY: I had not either, but I have 4 an IPad in front of me, so I looked it up.
3 Q. And how often do you see Dr. Lo?	5 BY MR. CATHELL:
4 A. Not often.	6 Q. Do you have any other identifying 7 information that I could use to try to find 8 this -- this doctor? It's a male at Kaiser 9 Perm -- Permanente' in Marlton. Do you know, is he 10 part of a practice group?
5 Q. Do you see her once a year, once every 6 six months, once every two years?	11 A. I just know that he's with Kaiser.
7 A. Unless I'm really sick and I can't take 8 it any more, then I'll go see her. Other than 9 that, I don't see her.	12 Q. Okay. Is he -- do you know, is he 13 Caucasian or African American?
10 Q. When is the last time you saw Dr. Lo, if 11 you can recall?	14 A. I haven't -- I haven't -- I haven't seen 15 him yet. They told me to make an appointment, and 16 I haven't -- I haven't gone and seen him.
12 A. The last time I saw her was some time in 13 February.	17 Q. So, you haven't actually received 18 treatment from this doctor, correct?
14 Q. Of 2019?	19 A. No.
15 A. Yes.	20 Q. Prior to deciding that you would see 21 the -- this -- the male doctor at Kaiser
16 Q. Okay. And what was that for?	
17 A. I had a terrible cough, so I went to see 18 her.	
19 Q. And did she prescribe you medication or 20 offer other treatment for the cough?	
21 A. Yeah. She said I had an upper-body	

<p>1 Permanente', did you have an OB/GYN?</p> <p>2 A. Yes, when I was pregnant with my youngest</p> <p>3 daughter.</p> <p>4 Q. And who was that doctor?</p> <p>5 A. I had Dr. Kingsley. The same location.</p> <p>6 Q. Kingsley?</p> <p>7 A. Yes, and it was -- it was another female</p> <p>8 doctor. I can't remember her name.</p> <p>9 Q. And how often did you say or</p> <p>10 what -- strike that.</p> <p>11 What years did you see Dr. Kingsley?</p> <p>12 A. I saw Dr. Kingsley from 2015 till 2016.</p> <p>13 Q. So, from 2016 until making arrangements</p> <p>14 with the unidentified male physician at Kaiser</p> <p>15 Permanente', did you see any other OB/GYNs?</p> <p>16 A. No.</p> <p>17 Q. Would your primary care provider during</p> <p>18 that time perform yearly wellness checks, or did</p> <p>19 you just not get the yearly wellness checks?</p> <p>20 A. I did not get them.</p> <p>21 Q. Prior to Dr. Kingsley, who was your</p>	<p>Page 26</p> <p>1 first three children?</p> <p>2 A. No. She was my OB/GYN with Jaiden, my</p> <p>3 four-year-old. I started with her. Her</p> <p>4 practice -- at her office, you only could go a</p> <p>5 certain amount of months, and then she would refer</p> <p>6 you.</p> <p>7 Q. And I assume she referred you in 2014 to</p> <p>8 Dr. Akoda, correct?</p> <p>9 A. Not him, per se.</p> <p>10 Q. Fair enough. To Dr. -- to Dr. Chaudry's</p> <p>11 practice, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Who was the OB/GYN that -- if there -- if</p> <p>14 there was one single doctor, who was the OB/GYN</p> <p>15 that cared for you and delivered the first three</p> <p>16 children, if you -- if there is one specific</p> <p>17 person?</p> <p>18 A. It was in Virginia. Arlington Hospital.</p> <p>19 It's a prac- -- an office -- a doctor's office,</p> <p>20 OB/GYN. I do not remember his name. It's so long</p> <p>21 ago.</p>
<p>1 OB/GYN?</p> <p>2 A. Prior to Dr. Kingsley?</p> <p>3 Q. Yes.</p> <p>4 A. Dr. Akoda.</p> <p>5 Q. And we're going to explore that in detail</p> <p>6 in a couple of minutes, but what years did you see</p> <p>7 Dr. Akoda, if you recall?</p> <p>8 A. I saw Dr. Akoda from 2014 to 2015.</p> <p>9 Q. And prior to Dr. Akoda in -- do you</p> <p>10 remember the specific month, by chance, that you</p> <p>11 first came into contact with Dr. Akoda?</p> <p>12 A. If I'm not mistaken, it was around April</p> <p>13 or May of 2014.</p> <p>14 Q. And prior to Dr. Akoda, who was your</p> <p>15 OB/GYN?</p> <p>16 A. I do not remember her name.</p> <p>17 Q. Had that OB/GYN -- you said her, so I</p> <p>18 assume it was a female, correct?</p> <p>19 A. It was a female, yes.</p> <p>20 Q. Had that OB/GYN been the OB/GYN who cared</p> <p>21 for you during your pregnancies and delivered your</p>	<p>Page 27</p> <p>1 Q. Have you since your involvement with</p> <p>2 Dr. Akoda seen any healthcare provider of any kind</p> <p>3 for any issue you claim is related to your</p> <p>4 involvement with Dr. Akoda?</p> <p>5 A. No.</p> <p>6 Q. What medications do you currently take?</p> <p>7 A. Ibuprofen.</p> <p>8 Q. So, you don't have any prescription</p> <p>9 medications, is that fair?</p> <p>10 A. Besides the cough medicine,</p> <p>11 that's -- that's it.</p> <p>12 Q. Okay. Have you at any time had an OB/GYN</p> <p>13 or primary care provider that we have not already</p> <p>14 discussed?</p> <p>15 A. No.</p> <p>16 Q. So, Dr. Lo, who you began working with</p> <p>17 three to four years ago, would have been your first</p> <p>18 primary care provider?</p> <p>19 A. Yes.</p> <p>20 Q. What evidence do you have regarding</p> <p>21 Dr. Akoda's background?</p>

	Page 30	Page 32
1 A. What evidence do I have?		1 doctors.
2 MS. CLARY: Let me --		2 Q. Do you know what goes into successfully
3 BY MR. CATHELL:		3 completing a medical residency?
4 Q. If any. If any.		4 A. Years of training and hard dedication.
5 MS. CLARY: I'm just going to object to		5 Q. Do you know whether Dr. Akoda
6 the overbroad nature, but you can answer as best		6 successfully completed a medical residency?
7 you can.		7 A. No.
8 THE WITNESS: I don't -- I'm not		8 Q. Do you know if Dr. Akoda passed all
9 understanding the question.		9 national examinations in order to complete his
10 BY MR. CATHELL:		10 residency?
11 Q. Okay. Do you have any evidence		11 A. No.
12 regarding -- you yourself -- let me strike that.		12 Q. Do you know whether Dr. Akoda passed or
13 These questions pertain only to you, not		13 failed any medical examinations?
14 what you've learned from your attorneys. But just		14 A. No.
15 I'm trying to explore what you personally have		15 Q. Do you know whether Dr. Akoda was board
16 either in your possession or your knowledge, is		16 certified by the American Board of Obstetrics and
17 that fair?		17 Gyn -- and Gynecology?
18 A. That's fair.		18 A. No.
19 Q. Okay. Do you have any evidence yourself		19 Q. Do you know what is entailed with -- in
20 regarding Dr. Akoda's background?		20 order for a physician to become board certified?
21 A. No.		21 A. No, I do not.
	Page 31	Page 33
1 Q. It's not a trick question. I'm just -- I		1 Q. Were you aware that Dr. Akoda took a
2 want to make sure I cover everything.		2 written board examination and passed?
3 Do you have any evidence regarding		3 A. No, I do not.
4 whether Dr. Akoda was licensed to practice medicine		4 Q. Were you aware that Dr. Akoda took an
5 in Maryland?		5 oral examination and passed?
6 A. No.		6 A. No.
7 Q. Do you have any evidence regarding		7 Q. What do you know about how Dr. Akoda
8 whether Dr. Akoda was licensed to practice medicine		8 began using the name Akoda?
9 in Virginia?		9 A. Nothing. I thought he was born with it.
10 A. No.		10 Q. Do you know when Dr. Akoda began using
11 Q. What evidence do you have regarding		11 the name Akoda?
12 Dr. Akoda's training as a doctor?		12 A. No.
13 A. None.		13 Q. Do you know why he began using the name
14 Q. Do you know where Dr. Akoda went to		14 Akoda?
15 medical school?		15 A. No.
16 A. No.		16 Q. Do you know what ECFMG certification
17 Q. Do you know where Dr. Akoda did his		17 stands for?
18 residency?		18 A. Yes.
19 A. No.		19 Q. What is that?
20 Q. Do you know what a residency is?		20 A. It's -- it's where they decide who's
21 A. I'm assuming it's a medical school for		21 qualified, which -- which foreign doctor is

<p>1 qualified to practice.</p> <p>2 Q. The acronym stands for Educational</p> <p>3 Commission for Foreign Med- -- Medical Graduates?</p> <p>4 A. (Nodding head yes.)</p> <p>5 Q. Were you aware that to be certified a</p> <p>6 foreign medical graduate takes an examination</p> <p>7 administered by ECFMG?</p> <p>8 A. No.</p> <p>9 Q. Do you know whether Dr. Akoda took such</p> <p>10 an examination?</p> <p>11 A. No.</p> <p>12 Q. Do you know how many times Dr. Akoda</p> <p>13 successfully passed the ECFMG examinations?</p> <p>14 A. No.</p> <p>15 Q. Do you know under which names Dr. Akoda</p> <p>16 took the ECFMG examinations?</p> <p>17 A. No.</p> <p>18 Q. Do you know whether Dr. Akoda was</p> <p>19 certified by ECFMG?</p> <p>20 A. No.</p> <p>21 Q. Do you have any information regarding</p>	Page 34	<p>1 MS. CLARY: I'm going to object, and she</p> <p>2 can certainly answer just yes or no.</p> <p>3 MR. CATHELL: Right.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MR. CATHELL:</p> <p>6 Q. And are you a -- to your knowledge, are</p> <p>7 you a class Plaintiff in that lawsuit?</p> <p>8 A. Yes.</p> <p>9 Q. Have you been deposed in that lawsuit?</p> <p>10 A. I'm sorry?</p> <p>11 Q. I assume -- you told me earlier you</p> <p>12 haven't sat for a deposition, but -- so I assume</p> <p>13 you have not been deposed in that lawsuit</p> <p>14 yet, --</p> <p>15 A. No.</p> <p>16 Q. -- correct? Is what you know about</p> <p>17 Dr. Akoda limited to what information your Counsel</p> <p>18 has provided you?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have any evidence outside of what</p> <p>21 your Counsel has advised you about Dr. Akoda?</p>	Page 36
<p>1 what occurred with Dr. Akoda's ECFMG</p> <p>2 certifications?</p> <p>3 A. No.</p> <p>4 Q. Are you aware of a lawsuit pending in the</p> <p>5 United States Federal District Court in</p> <p>6 Philadelphia against ECFMG regarding their</p> <p>7 certification of Dr. Akoda?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. What is your knowledge of that</p> <p>10 lawsuit?</p> <p>11 A. What is my knowledge of that lawsuit?</p> <p>12 Q. I can rephrase. Are you -- are you a</p> <p>13 Plaintiff in that lawsuit?</p> <p>14 A. Yes.</p> <p>15 Q. And we're not -- I'm not going to get</p> <p>16 into what you know as a result of conversations</p> <p>17 with your attorneys, but I just want to explore</p> <p>18 peripherally.</p> <p>19 Are you represented by the law</p> <p>20 firm -- law firm, Schochor, Federico and Staton, in</p> <p>21 that lawsuit?</p>	Page 35	<p>1 A. No.</p> <p>2 Q. How did you -- and, again, no discussions</p> <p>3 with your attorneys. How did you come to be a</p> <p>4 client of the Schochor, Federico and Staton law</p> <p>5 firm regarding this claim and the Philadelphia</p> <p>6 claim?</p> <p>7 MS. CLARY: I'm going to object and</p> <p>8 instruct her not to answer anything with respect to</p> <p>9 not just discussions that we had, but contacts that</p> <p>10 she had with our office.</p> <p>11 In terms of any discussions that she may</p> <p>12 have had with others not involved or people who are</p> <p>13 not employed by our law firm who may have -- I</p> <p>14 don't want to make a speaking objection. I just</p> <p>15 want her to be clear as to what she can talk about</p> <p>16 and what I'm instructing her not to answer.</p> <p>17 I don't have a problem, and you're -- I</p> <p>18 want you to answer the question with respect to how</p> <p>19 somebody told you about Dr. Akoda and how you</p> <p>20 were -- how you got in touch with us, but once the</p> <p>21 phone call or whatever that first contact was with</p>	Page 37

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1 us, anything from that point forward, I'm going to 2 instruct you not to answer.	1 she was talking about. So, she said, if you don't 2 believe me, you can look it up. That's when I 3 Googled it, and that's when I read everything that 4 the news had provided.
3 THE WITNESS: Okay.	5 Q. Do you know how Ms. Gaymon knew that you 6 had been a patient of Dr. Akoda's?
4 MR. CATHELL: So, one second. Note our 5 response from the prior depositions.	7 A. We met at the patient's -- at the office.
6 BY MR. CATHELL:	8 Q. Okay. So, you met at the office in 2014 9 and remained friends, or at least acquaintances, 10 since --
7 Q. Let me ask you a more pointed question, 8 understanding Counsel's objection, which we needed 9 to get on the record.	11 A. Yes.
10 What caused you to first reach out to the 11 Schochor, Federico and Staton law firm?	12 Q. -- that time? And do you recall what you 13 saw when you Googled the allegations? Was it a 14 specific website, a video, or advertisement?
12 A. Well, a friend of mine called me and told 13 me about the situation. So, she gave me the 14 number. She said, I need you to call this number. 15 So, I asked her why? Whose number is this? So, 16 she said, you just need to know that Dr. Akoda is 17 not a doctor. Call this number. So, that's when I 18 called the number.	15 A. It was the news. It was FOX, NBC. They 16 had different links about how Dr. Akoda wasn't a 17 real doctor, and his name wasn't really Akoda.
19 Q. Okay. You can stop there based on 20 Counsel's objection. Who was -- what's the name of 21 your friend that called you?	18 Q. How long between the time Ms. Gaymon 19 called you did you call the number that she gave 20 you?
	21 A. Two days after.
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1 THE WITNESS: Am I allowed to say it?	1 Q. Prior to this statement from your friend, 2 or the telephone call from your friend, you had no 3 prior -- you had no -- strike all of that.
2 MS. CLARY: Yes.	4 Prior to the statement or the telephone 5 call by your friend, you had no prior complaints 6 about Dr. Akoda; is that correct?
3 THE WITNESS: Latisa.	7 A. Complaints? Like how complaints? Like 8 formal complaints?
4 BY MR. CATHELL:	9 Q. How -- how do you define complaints?
5 Q. Is that Latisa Gaymon?	10 MS. CLARY: I'm going to object to the 11 form of the question. You can answer as best you 12 can.
6 A. Yes.	13 THE WITNESS: Okay. I did have a couple 14 of -- of complaints and concern. When I was being 15 seen by him, he was flirtatious and inappropriate.
7 Q. Are you aware that Ms. Gaymon is also a 8 Plaintiff in this lawsuit?	16 BY MR. CATHELL:
9 A. Yes.	17 Q. And we'll explore this more in a bit.
10 Q. And when did Dr. -- Ms. Gaymon call you, 11 if you recall?	18 Anything other than being flirtatious or being 19 inappropriate?
12 A. Some time in late 2018.	20 A. No.
13 Q. Late 2018?	21 Q. Had you -- had you made those formal
14 A. Some time in 2018. I can't really 15 remember the exact month.	
16 Q. And I know you told me that she said that 17 you needed to call a certain telephone number and 18 that she told you about the situation. Can you be 19 more specific as to what she told you?	
20 A. She told me that Dr. Akoda wasn't a real 21 doctor, and I was confused, and I didn't know what	

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1	complaints to anybody?	1 breasts?
2	A. To one of the nurses at the -- the	2 A. Two occasions.
3	doctor's office.	3 Q. And do you remember the date of those
4	Q. And which doctor's office was that?	4 statements?
5	Dr. Chaudry's?	5 A. No, I do not remember the dates.
6	A. Dr. Chaudry's.	6 Q. And on how many occasions was he very
7	Q. And do you remember the identity of the	7 flirtatious, what you've described as telling you,
8	nurse?	8 you look nice or that he wants to marry you or
9	A. She was an African American.	9 other flirtatious behavior?
10	Q. Older? Younger?	10 A. It was two or three times.
11	A. Older.	11 Q. Were those on the same dates as when he
12	Q. Short hair? Long hair?	12 told you you had very nice breasts?
13	A. Older.	13 A. A week apart.
14	Q. Older.	14 Q. And when did you bring this to the
15	A. Short hair.	15 attention of the nurse in Dr. Chaudry's office?
16	Q. Did she speak with an accent, do you	16 A. The first time that he said that I had
17	know?	17 nice breasts, I brought it to her attention. I
18	A. No, she did not.	18 also requested a female nurse while I was getting
19	Q. Did she have glasses?	19 my check-ups.
20	A. No, she did not.	20 Q. Do you recall the date that you told the
21	Q. And what was your specific complaint to	21 nurse?
	Page 43	Page 45
1	this nurse?	1 A. No, I do not recall the date.
2	A. That he was very flirtatious, and when I	2 Q. After telling the nurse in Dr. Chaudry's
3	was getting my breasts examined, he would make	3 office of the statement, what happened?
4	comments and say that I have wonderful breasts.	4 Did -- were you given a female nurse while being
5	Q. Can you describe what you mean by	5 examined?
6	flirtatious?	6 A. Yes. She would be in the -- in the room.
7	MS. CLARY: Objection to the extent I	7 Q. And is it fair to say that your only
8	think she covered that, but go ahead.	8 involvement with this specific nurse would have
9	BY MR. CATHELL:	9 been in Dr. Chaudry's office?
10	Q. To the extent you haven't covered it, do	10 A. Yes.
11	you have anything else to further describe what you	11 Q. Did you report the inappropriate behavior
12	mean by very flirtatious?	12 to anyone other than the nurse in Dr. Chaudry's
13	A. He would be very flirtatious as in, oh,	13 office?
14	you look very nice today. You should marry me one	14 A. No.
15	day. At first, I thought it was like a joke, but	15 Q. Did the in- -- alleged inappropriate
16	then, you know, he would constantly say comments	16 touching or statements occur in the presence of any
17	like that. And when he said, oh, you have really	17 other individual? Bless you.
18	nice breasts, that's when I was like, okay,	18 A. No. Bless you.
19	this -- this is not professional.	19 MS. CLARY: Sorry.
20	Q. On how many occasions -- on how many	20 BY MR. CATHELL:
21	occasions did he tell you you had very nice	21 Q. And did they occur in the examination

<p>1 room?</p> <p>2 A. Yes.</p> <p>3 Q. At -- at Dr. Chaudry's office?</p> <p>4 A. That's correct.</p> <p>5 Q. So, it's fair to say there were no 6 witnesses to the inappropriate statements or 7 touching?</p> <p>8 A. No.</p> <p>9 Q. Do you know whether there was any type of 10 recording, whether it's an audio recording or video 11 recording, of the inappropriate statements or 12 touching?</p> <p>13 A. I'm not -- I'm not sure.</p> <p>14 Q. You've told me that you reported that 15 Dr. Akoda commented on your breasts, and the first 16 time you told the nurse in Dr. Chaudry's office; is 17 that correct?</p> <p>18 A. That's correct.</p> <p>19 Q. And you also told me that that behavior 20 continued, I believe, two to three times; is that 21 correct?</p>	<p>Page 46</p> <p>1 MR. CATHELL: And our -- our response, 2 just for the record, I don't think we've covered 3 this one, is that it is just soliciting counsel. 4 I'm not trying to get into the specific initial 5 conversation, just the action of deciding to retain 6 counsel or to investigate a potential claim, but I 7 note your objection, and we'll move on.</p> <p>8 BY MR. CATHELL:</p> <p>9 Q. Were you ever -- strike that.</p> <p>10 Did you ever make a claim for the alleged 11 inappropriate statement or contact of any kind?</p> <p>12 MS. CLARY: Objection. Outside of this 13 litigation?</p> <p>14 BY MR. CATHELL:</p> <p>15 Q. Outside of this litigation?</p> <p>16 A. No.</p> <p>17 Q. And I believe I asked you this, but -- 18 so, I apologize if I'm asking it again. Do you 19 know the name of the nurse?</p> <p>20 A. No, I do not.</p> <p>21 Q. Do you have any evidence that Dr. Akoda</p>
<p>1 A. That's correct.</p> <p>2 Q. Did you continue to report the 3 inappropriate conduct to the nurse or to anyone 4 else?</p> <p>5 A. Well, the nurse wasn't always there every 6 time I saw Dr. Akoda. Sometimes she would be 7 there; sometimes she would not be there.</p> <p>8 Q. Did any of the alleged inappropriate 9 behavior -- behavior occur while the nurse was in 10 the examination room?</p> <p>11 A. No.</p> <p>12 Q. Again, without discussing specific 13 conversations that you may or may not have had with 14 an attorney, did you make an effort to reach out to 15 an attorney to investigate the -- what you've 16 described as the inappropriate statements or 17 touching?</p> <p>18 MS. CLARY: I'm going to object and 19 instruct her not to answer to the extent I believe 20 that's covered by the attorney/client privilege and 21 work product doctrine.</p>	<p>Page 47</p> <p>1 lacked OB/GYN training or skills?</p> <p>2 MS. CLARY: Objection to the extent I 3 think it's been asked and answered, but go ahead 4 again.</p> <p>5 THE WITNESS: No.</p> <p>6 BY MR. CATHELL:</p> <p>7 Q. How did you become aware of Dr. Akoda as 8 an OB/GYN?</p> <p>9 A. I was referred to Dr. Chaudry's office.</p> <p>10 Q. And what were the circumstances under 11 which you were referred to Dr. Chaudry's office?</p> <p>12 MS. CLARY: Objection to the extent I 13 think she has talked about it, but you can go ahead 14 again.</p> <p>15 THE WITNESS: The female OB/GYN that I 16 was seeing at first, she only covered the first few 17 months of the pregnancy, so she referred me to 18 Dr. Chaudry's office. I thought I was going to see 19 Dr. Chaudry, but that's when all of my visits were 20 with Dr. Akoda.</p> <p>21 BY MR. CATHELL:</p>

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1 Q. Okay. And did you ever see Dr. Chaudry 2 during that time?	1 MR. CATHELL: Any. 2 MS. CLARY: Okay. Thank you. 3 THE WITNESS: Any? Geez, it was a few, 4 because after I had my son, I went for my 5 six -- six-week check-up with Dr. Akoda. 6 BY MR. CATHELL:
7 A. Once at the hospital, after I had my 8 emergency surgery, he came to remove the bandages.	7 Q. Do you recall what Dr. Akoda looked like? 8 A. Yes. African male. He was about I will 9 say 6'1", older, glasses.
9 Q. And that would have been the postpartum 10 surgical procedure that you underwent?	10 Q. Okay. Thank you. Do you -- do you 11 recall what Dr. Akoda sounded like?
11 A. No. It was complications after I had my 12 son.	12 A. Strong accent.
13 Q. I know you told me your first contact 14 with Dr. Akoda would have been in April or May of 15 2014, correct?	13 Q. Other than what you've told me about as 14 far as the inappropriate statements or touching, do 15 you have any inter- -- are there any interactions 16 with Dr. Akoda that we -- that you have a specific 17 memory of that we haven't discussed?
16 A. (Nodding head yes.)	18 A. No. Not including the delivery, right?
17 Q. And I -- may I assume that that first 18 contact occurred at the office of Dr. Chaudry?	19 Q. Well, just including everything.
19 A. Correct.	20 A. Okay.
20 Q. And on the first date that you presented 21 to Dr. Chaudry, after being referred by your prior	21 Q. I guess what I'm -- I', trying to get at,
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1 OB/GYN, were you seen by Dr. Akoda?	1 are there any interactions that you had with 2 Dr. Akoda prior to delivery of Jaiden that we have 3 not discussed?
2 A. I was.	4 A. My six-week check-up, he did a procedure 5 at Dr. Chaudry's office. He said I had an ovarian 6 cyst, and he did a procedure right there at the 7 office where he burned it.
3 Q. And how often, following that initial 4 visit, were you seen by Dr. Akoda?	8 Q. And this would have been your six-week 9 postpartum check-up?
5 A. It started every month, and then it was 6 every week.	10 A. Yeah. Yes, sir. That's the last time I 11 saw him.
7 Q. When did it become every week, if you 8 recall?	12 Q. Had you been having symptoms or signs of 13 an ovarian cyst?
9 A. Around August/October.	14 A. No.
10 Q. So, leading up to as you became -- as it 11 became closer to delivery time, that's when you 12 started seeing Dr. Akoda every week, is that fair?	15 Q. What evidence do you have that Dr. Akoda 16 was affiliated with the Prince George's County 17 Hospital Center?
13 A. That's correct.	18 A. My birth band. The band they give you at 19 the hospital.
14 Q. And it's my understanding from your 15 medical records that all of your contacts with 16 Dr. Akoda, prior to the actual birth of Jaiden, 17 were at Dr. Chaudry's office; is that correct?	20 Q. And do you still have that?
18 A. That's correct.	21 A. I sure do.
19 Q. Do you know approximately how many times 20 you received treatment from Dr. Akoda?	
21 MS. CLARY: Prenatally?	

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1 Q. And if it's possible, I would ask that 2 we -- you provide that to your Counsel so we can 3 have a copy of it, okay?	1 Consent Form, marked for identification.) 2 BY MR. CATHELL:
4 A. Okay.	3 Q. Okay. I'm showing you a two-page 4 document that is dated September 16, 2014, and the 5 exhibit sticker is on the first page. If you'll 6 take a look at that document for me.
5 MS. CLARY: Okay. That's fine. We'll 6 make a copy of it so she can keep it for 7 sentimental reasons.	7 MS. CLARY: That's the first page. 8 That's the second page.
8 MR. CATHELL: Yes. That's what I said, 9 copy.	9 (Whereupon, there was a pause for 10 document examination.)
10 MS. CLARY: Sure.	11 BY MR. CATHELL:
11 MR. CATHELL: I know we have ours framed 12 and the whole nine yards.	12 Q. And --
13 BY MR. CATHELL:	13 A. Okay.
14 Q. What about -- what information was on the 15 birth band that led you to believe Dr. Akoda was 16 affiliated with the hospital?	14 Q. Could I have that back real quick? 15 (Document tendered.)
17 A. Well, his name was on it. His name was 18 on it.	16 BY MR. CATHELL:
19 Q. And do you recall the specific date that 20 you presented to Prince George's County Hospital to 21 deliver Jaiden?	17 Q. I couldn't see from where I'm sitting. 18 Is the -- is this your signature on the document 19 towards the bottom left of the second page? 20 A. Yes. 21 Q. And on the first page, there's a
Page 55	Page 57
1 A. September 13, 2014.	1 paragraph at top -- at the top that is titled 2 Physicians Not as Employees, is that -- are those 3 your initials at the end of that paragraph?
2 Q. And what caused you to go to the hospital 3 at that time?	4 A. Yes.
4 A. I was getting induced.	5 Q. And did you read through this document 6 and understand its consents prior to signing it?
5 Q. And, to your knowledge, who made the 6 decision -- the medical decision to induce you?	7 A. No. I'm not even going to lie. I did 8 not read it. They just said without it, if you 9 didn't sign it, they can't -- they couldn't give me 10 the -- the care that I needed. And I was just 11 thinking about the care, and I needed to deliver my 12 baby, so I just signed it.
7 A. Dr. Akoda.	13 (Whereupon, Deposition Exhibit Number 3, 14 Consent Form, marked for identification.)
8 Q. And did Dr. Akoda, in fact, induce you on 9 September 13, 2014?	15 BY MR. CATHELL:
10 A. Yes.	16 Q. I'm handing you a three-page document 17 that is labeled Exhibit 3. On the first page, you 18 would agree those are your initials on the 19 left-hand column of that document?
11 Q. And when you presented to the hospital, 12 throughout the course of your care, do you recall 13 being presented with various consent forms that you 14 ultimately read and signed?	20 A. Okay.
15 A. Yes, I remember them.	21 Q. Is that a yes or no?
16 MR. CATHELL: Can I see your Answers to 17 Interrogatories?	
18 (Document tendered.)	
19 MR. CATHELL: I want to make sure my 20 Exhibit Numbers are correct.	
21 (Whereupon, Powell Deposition Exhibit 2,	

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1 A. Yes. That's a yes.	1 County Hospital Center, okay?
2 Q. On the second page, you would agree those	2 A. Yes.
3 are your initials and your signature in two	3 THE VIDEOGRAPHER: Brian, your mic.
4 locations on the document?	4 BY MR. CATHELL:
5 A. Yes.	5 Q. We had just been talking about what
6 Q. And the third page I'm just putting in	6 evidence you had, if any, regarding Dr. Akoda's
7 for completeness, but it doesn't have your	7 affiliation with the Prince George's County
8 signature.	8 Hospital Center, correct?
9 And, again, I apologize for all of the	9 A. Correct.
10 exhibits, but Exhibit Number 4 is a three-page	10 Q. And you mentioned the birth band that you
11 document labeled Deposition Exhibit 4.	11 were given when you first presented to deliver
12 (Whereupon, Powell Deposition Exhibit 4,	12 Jaiden?
13 Consent Form, marked for identification.)	13 A. Correct.
14 BY MR. CATHELL:	14 Q. Do you have any additional evidence
15 Q. It's a three-page document, and you would	15 regarding Dr. Akoda's affiliation with Prince
16 agree that it is your signature on the third page	16 George's County Hospital Center?
17 in the upper right-hand corner?	17 A. Besides the band, that is it.
18 MS. CLARY: I'm sorry, it's on the third	18 Q. Was Dr. Akoda the first doctor you came
19 page?	19 in contact with when you first made it to Prince
20 MR. CATHELL: Yes.	20 George's County Hospital Center on the 13th of
21 THE WITNESS: Yes.	21 September?
Page 59	Page 61
1 BY MR. CATHELL:	1 A. Yes.
2 Q. Are you okay? Do you need a break?	2 Q. And I assume that was because it was a
3 A. No. I'm good.	3 planned induction, correct?
4 MS. CLARY: I might need one in a few	4 A. Correct.
5 minutes. I don't want to interrupt you.	5 Q. When you were seen by Dr. Akoda in
6 MR. CATHELL: Now would be perfect.	6 Dr. Chaudry's office, was there anything in the
7 MS. CLARY: If you get -- have a good	7 office that led you to believe that Dr. Akoda was
8 stopping point.	8 affiliated with the hospital?
9 MR. CATHELL: Now would be perfect.	9 A. No.
10 THE VIDEOGRAPHER: This marks the end of	10 Q. So, you understood that Dr. Akoda was in
11 media unit number one. Going off record. The time	11 private practice, correct?
12 is 10:59 a m.	12 MS. CLARY: Objection. You can answer.
13 (Recess taken -- 10:59 a m.)	13 THE WITNESS: No, I did not know.
14 (After recess -- 11:07 a m.)	14 BY MR. CATHELL:
15 THE VIDEOGRAPHER: This marks the	15 Q. Following the first alleged inappropriate
16 beginning of media unit number two. Going back on	16 action by Dr. Akoda when you were seeing him at
17 record. The time is 11:07 a m.	17 Dr. Chaudry's office, how many times did
18 BY MR. CATHELL:	18 you -- approximately how many times did you see
19 Q. Ms. Powell, do you have -- we had just	19 Dr. Akoda after that?
20 been talking about what evidence you have that	20 A. After that, it's a few -- a few times
21 Dr. Akoda was affiliated with the Prince George's	21 after that.

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1 Q. Is it fair to classify those visits as 2 prenatal visits?	1 coming to Prince George's County Hospital Center on 2 September 13, 2014?
3 A. Yes.	3 A. No.
4 Q. Did Dr. Akoda perform vaginal 5 examinations during those visits?	4 Q. And tell me why not, if it's a reason 5 that we haven't already discussed.
6 A. Yes.	6 A. The reason we discussed.
7 Q. Did you find those examinations 8 inappropriate in any way?	7 Q. And that would be -- I assume that would 8 be the alleged inappropriate statements and 9 touching?
9 A. No. I believed they were normal routine.	10 A. Correct.
10 Q. Is it fair to say that you never 11 discussed with Dr. Akoda the subject of hospital 12 privileges?	11 Q. Putting those aside, but not intending to 12 mitigate those in any way or minimize those, were 13 you satisfied with the medical services that 14 Dr. Akoda provided to you prior to September 2014?
13 A. No.	15 A. Yes.
14 Q. That was a bad question. Did you ever 15 discuss with Dr. Akoda the subject of hospital 16 privileges?	16 (Whereupon, Powell Deposition Exhibit 5, 17 Birth Band, marked for identification.)
17 A. No.	18 BY MR. CATHELL:
18 Q. Did you ever ask to see Dr. Akoda's 19 driver's license?	19 Q. And you've been kind enough to provide us 20 with a color picture of the birth band that you 21 described. I've marked it as Exhibit 5. If I can
Page 63	Page 65
1 A. No.	1 show it to you, and you can just briefly tell us 2 what it is for the record?
2 Q. I assume you never asked Dr. Akoda if he 3 had any other names?	3 A. It's my hospital band of when I went to 4 deliver Jaiden.
4 A. No.	5 Q. All right. I was asking you about the 6 delivery, and you started to tell me that you 7 were -- you may have had a complication following 8 the delivery. Can you tell us what that was?
5 Q. Did you see Dr. Akoda interact with staff 6 in any inappropriate way?	9 A. After I had Jaiden, I noticed that I was 10 bleeding out of the normal. So, I panicked, and I 11 asked the nurse if she could please get the doctor, 12 Dr. Akoda.
7 A. No. I didn't pay attention.	13 So, she got him, and when he -- when he 14 came in, I explained to him that I was gushing out.
8 Q. You would agree that the delivery of 9 Jaiden was performed successfully?	15 It was going through the sheets and in the hospital 16 bed, and I also had big blood clots.
10 A. The delivery, yes. After the delivery, 11 no.	17 So, he examined me, and he kept saying, 18 I'm sorry. I should have detected it sooner. I'm 19 so sorry. I'm so sorry. So, I was confused of 20 what was going on, and he told me he was going to 21 rush me to the OR. I was going to get surgery. I
12 Q. I'm going to get there. I've looked 13 through your medical records, and I promise that 14 I'll get there, okay?	
15 A. (Nodding head yes.)	
16 Q. Were you satisfied with the medical 17 services that Dr. Akoda provided to you in 18 delivering Jaiden?	
19 A. Yes.	
20 Q. Were you satisfied with the medical 21 services that Dr. Akoda provided to you prior to	

<p style="text-align: right;">Page 66</p> <p>1 was crying, devastated because I didn't know what 2 was going to happen with my son, and I didn't know 3 what was going to happen to me. I didn't know -- I 4 didn't know what was going on.</p> <p>5 So, then there was this hospital employee 6 pushing me in the bed down to the OR, and I was put 7 to sleep. When I woke up, I had tubes everywhere. 8 I couldn't talk. I was crying.</p> <p>9 Then -- probably like 30 minutes after, 10 then they took me to my room, and I remember the 11 same guy that rode me down to the OR told me that I 12 had lost a lot of blood and that they had -- they 13 did remove all of the blood clots, that they were 14 big, and that they did remove them all, but I did 15 lose a lot of blood.</p> <p>16 Q. And if I told you the name of that 17 medical procedure was the suction curettage, would 18 that -- does that ring a bell?</p> <p>19 A. No.</p> <p>20 Q. And do you recall what date that occurred 21 on?</p>	<p style="text-align: right;">Page 68</p> <p>1 correct.</p> <p>2 Q. And it's my understanding from reading 3 the medical records that when you were discharged, 4 you had no ongoing signs or symptoms of -- of 5 hemorrhage or of any other injury; is that correct?</p> <p>6 A. That's correct.</p> <p>7 Q. Has a medical provider, meaning a doctor, 8 nurse, P.A., what have you, ever told you that 9 Dr. Akoda performed the delivery of Jaiden in a 10 manner that did not comply with the standard of 11 care?</p> <p>12 A. No.</p> <p>13 Q. Did Dr. -- has any medical provider ever 14 told you that Dr. Akoda's postpartum care, so in 15 the days after you gave birth to Jaiden, but before 16 you were discharged, has any medical provider told 17 you that Dr. Akoda's care of you during that time 18 did not comply with the standard of care?</p> <p>19 A. No.</p> <p>20 Q. You would agree that you did not have any 21 permanent injury as a result of the care provided</p>
<p style="text-align: right;">Page 67</p> <p>1 A. It was the same day I delivered.</p> <p>2 Q. The same day or the next day?</p> <p>3 A. September -- I believe it was the same 4 day, September 14.</p> <p>5 Q. Just for completeness, I'll hand you 6 the -- what I'll proffer are the consent forms for 7 the curettage, which I have marked as Exhibit 6.</p> <p>8 (Whereupon, Powell Deposition Exhibit 6, 9 Consent Form, marked for identification.)</p> <p>10 BY MR. CATHELL:</p> <p>11 Q. It's a two-page document. Will you agree 12 or would you agree that in the middle of both 13 pages, it -- that is your signature, please?</p> <p>14 A. Yes.</p> <p>15 Q. Yes as to both pages?</p> <p>16 A. Yes as to both pages.</p> <p>17 Q. Thank you. And it's my understanding 18 from your medical record that, despite what you've 19 just described, you made a full recovery and were 20 discharged on September 19th; is that correct?</p> <p>21 A. The 19th? Yes, that's correct. That is</p>	<p style="text-align: right;">Page 69</p> <p>1 to you by Dr. Akoda during your admission to Prince 2 George's County Hospital Center in September of 3 2014?</p> <p>4 A. No.</p> <p>5 Q. You would not agree?</p> <p>6 A. I -- besides trust issues, no, nothing 7 medical.</p> <p>8 Q. Between the time you were discharged in 9 September of 2014 and the time you received the 10 telephone call from Latisa Gaymon, had you 11 sustained any injury as a result of the care 12 provided to you by Dr. Akoda?</p> <p>13 A. No, no injuries.</p> <p>14 Q. So, it's my understanding, just so the 15 record is clear, that it is your claim that when 16 you learned of the allegations regarding 17 Dr. Akoda's license or credentialing from Latisa 18 Gaymon is when you first occurred -- incurred the 19 injury, correct?</p> <p>20 A. I'm sorry?</p> <p>21 Q. It's my understanding that the -- the</p>

Page 70	Page 72
1 telephone call to you from Latisa Gaymon is when 2 you first suffered the injury as a result of the 3 allegations surrounding Dr. Akoda?	1 Q. There is an -- a medical doctor involved 2 in this litigation named Dr. Susan Fieste. Are 3 you familiar with Dr. Fieste?
4 A. Yes.	4 A. Yes.
5 Q. When you first chose him as your 6 physician or when you -- strike that.	5 Q. Okay. And did you meet with Dr. Fieste?
7 When you continued to see Dr. Akoda, were 8 you aware of his privileging status?	6 A. Phone.
9 A. No.	7 Q. Meaning a telephone call?
10 Q. Did you do any research on his skills and 11 abilities?	8 A. Yes.
12 A. No.	9 Q. And do you recall when that occurred?
13 Q. Nothing he did during his care made you 14 feel he was not qualified or cared for you or 15 qualified to care for you appropriately, correct?	10 A. February.
16 A. No. Correct.	11 Q. Of 2019?
17 Q. At no time did you fire him as a 18 physician, correct?	12 A. 2019.
19 A. That's correct.	13 Q. Are you okay?
20 Q. Do you accuse Dr. Akoda of any failure to 21 properly render medical care to you or your baby?	14 A. Yes. February or January 2019.
	15 Q. And do you recall how long the telephone 16 call was?
	17 A. I do not recall.
	18 Q. Was it hours, minutes? You just have no 19 recollection?
	20 A. No recollection.
	21 Q. Where were you when you made the -- when
Page 71	Page 73
1 I think we covered that. You would agree your 2 answer to that would be no?	1 you talked to Dr. Fieste on the call?
3 A. No. No.	2 A. Home.
4 MS. CLARY: She said no.	3 Q. Was anyone else present with you?
5 BY MR. CATHELL:	4 A. My two-year-old daughter.
6 Q. I'm sorry. I thought you said oh.	5 Q. Were you and Dr. Fieste the only two
7 MS. CLARY: You didn't get that nnh in 8 there.	6 people on the -- on the telephone call?
9 BY MR. CATHELL:	7 A. Yes.
10 Q. Do you know of anyone else accusing 11 Dr. Akoda of any sexual -- of any sexual 12 impropriety or have any information of any kind on 13 that subject, other than what we've discussed?	8 Q. And did she initiate the call to you?
14 A. No.	9 A. Yes.
15 Q. And you -- I believe you told me your 16 last visit with Dr. Akoda was your six-week 17 postpartum visit, correct?	10 Q. Do you consider Dr. Fieste to be your 11 doctor?
18 A. Correct.	12 A. No.
19 Q. Have we discussed all of your claims 20 against Dr. Akoda for sexual misconduct?	13 Q. Did Dr. Fieste provide you with any 14 treatment recommendations?
21 A. Yes.	15 A. No.
	16 Q. Did she refer you to any other healthcare 17 providers for treatment?
	18 A. No.
	19 Q. And I assume she didn't prescribe to you 20 any medication, correct?
	21 A. Correct. She did not.

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1 Q. Can you tell me what you recall about the 2 telephone interview with Dr. Fiester?	1 A. That's correct.
3 A. We talked about the situation. She 4 mainly asked me how did I feel. She asked me to 5 give her a rundown of how was my delivery and 6 everything I experienced through the whole process 7 when I was under Dr. Akoda's care.	2 Q. Okay. And what did you tell her in 3 response to that question?
8 Q. Did she share with you what any of the 9 other Plaintiffs that she had identified -- strike 10 that.	4 A. That I don't -- I don't trust these 5 doctors any more. I have a hard time trusting. I 6 have a hard time even going to my OB/GYN myself.
11 Did she share with you what any of the 12 other Plaintiffs that she had interviewed had 13 shared with her?	7 Q. Anything else?
14 A. No.	8 A. And that I feel kind of violated.
15 Q. And in response to the question of how 16 did you feel about the situation, which I assume, 17 for the record, is the -- are the allegations 18 surrounding Dr. Akoda, correct?	9 Q. Anything else? Any other -- strike that.
19 A. That's correct.	10 Has this impacted you in any other way?
20 Q. What did you tell her in response to the 21 question of how do you feel?	11 A. No.
1 A. I feel betrayed. I feel like I can't 2 trust any OB/GYNs any more, or doctors.	12 Q. I don't believe Dr. Fiester diagnosed you 13 with any physical or mental illness; is that 14 correct?
3 Every time I even take my oldest 4 daughter, I have to ask questions, check 5 credentials.	15 A. That's correct.
6 I trusted Dr. Akoda. I trusted him with 7 my life. I believed he was real. I was very 8 disappointed, and I feel violated.	16 Q. Have you read the -- strike that.
9 Q. And I'm certainly not going to get into 10 any specifics regarding your -- your daughter. You 11 said you take your daughter to an OB/GYN. Is that 12 the same person that -- that you have -- that 13 you're scheduled to see?	17 A Complaint in litigation are the papers 18 that your attorneys file with the court to start 19 the proceedings. With that understanding, have you 20 read the Complaint in this case?
14 A. No. Her -- her doctor.	21 A. Yes.
15 Q. Okay.	Page 75
16 A. I'm scared to go to an OB/GYN.	1 Q. Do you know whether you read the 2 Complaint before it was filed?
17 Q. And I believe the other general question 18 that Dr. Fiester was asking, based on her report 19 and other information, is -- was how that -- how 20 you have been affected as a result of the 21 allegations; is that correct?	3 A. No.
18 Q. Did you meet with your attorneys before 19 the Complaint was filed?	4 Q. Did you read the Complaint before it was 5 filed?
20 MS. CLARY: I'm going to object and 21 instruct her not to answer that question as it's	6 A. What do you mean?
21 A. Yes. Yes.	7 Q. So, to start the litigation, your 8 attorneys would prepare a Complaint, and then to 9 actually start the lawsuit, they filed the 10 Complaint.
22 Q. Okay. So, prior to them actually filing 23 it -- and you might not know, but prior to them 24 actually filing it, did you read the Complaint?	11 A. Yes. Yes.
25 Q. You did read it?	12 Q. Okay. So, prior to them actually filing 13 it -- and you might not know, but prior to them 14 actually filing it, did you read the Complaint?
26 A. I looked at it, yes.	15 A. Yes.
27 Q. Did you meet with your attorneys before 28 the Complaint was filed?	16 Q. You did read it?
29 MS. CLARY: I'm going to object and 30 instruct her not to answer that question as it's	17 A. I looked at it, yes.

<p style="text-align: right;">Page 78</p> <p>1 violative of the attorney/client privilege and work 2 product doctrine.</p> <p>3 MR. CATHELL: Since the -- understanding 4 that, and our response is noted.</p> <p>5 MS. CLARY: Sure.</p> <p>6 BY MR. CATHELL:</p> <p>7 Q. I would also ask you questions about how 8 frequently you had met with your attorneys and how 9 many -- what you discussed as far as filing the 10 Complaint and those allegations.</p> <p>11 It's my understanding that your Counsel 12 would instruct you not to answer, so I respect -- 13 I -- I won't go through all of those questions, 14 but --</p> <p>15 MS. CLARY: I understand that those are 16 questions you would pose. I do have the same 17 objections, and I understand your response is as we 18 have discussed.</p> <p>19 MR. CATHELL: Thank you.</p> <p>20 BY MR. CATHELL:</p> <p>21 Q. Understanding your attorney's objections</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Do you plan on going to court in terms of 2 any of the remaining hearings in this case?</p> <p>3 A. If my lawyers find it that I need to be 4 there, then, yes.</p> <p>5 Q. Do you know what class certification is?</p> <p>6 A. Yes.</p> <p>7 Q. What is it?</p> <p>8 A. The class action, it's a lawsuit with a 9 group that's been going through the same situation.</p> <p>10 Q. Do you know what causes of action are 11 being asserted in the Complaint?</p> <p>12 MS. CLARY: I'm going to object to the 13 extent that it's calling, the way you phrased it, 14 for a legal conclusion. You can answer the best 15 you can.</p> <p>16 BY MR. CATHELL:</p> <p>17 Q. If you know. Do you know what the causes 18 of action are being -- are being asserted in the 19 Complaint?</p> <p>20 MS. CLARY: Same objection. Go ahead.</p> <p>21 THE WITNESS: Yes.</p>
<p style="text-align: right;">Page 79</p> <p>1 about your contact with them, I'm going to ask you 2 questions about your contact with other Plaintiffs, 3 okay?</p> <p>4 A. Okay.</p> <p>5 Q. Have you at any time -- I know you talked 6 to Latisa Gaymon. Have you at any time talked to 7 any of the other Plaintiffs?</p> <p>8 A. No.</p> <p>9 Q. Okay. Do you know any of the -- the 10 names of any of the other Plaintiffs?</p> <p>11 A. No.</p> <p>12 Q. Have you read any of the other papers 13 that have been filed in this court case?</p> <p>14 A. No, I have not.</p> <p>15 Q. Have you gone to court to any of the 16 hearings that have occurred?</p> <p>17 A. No.</p> <p>18 Q. And why not?</p> <p>19 A. I haven't gone.</p> <p>20 Q. Were you made aware of the hearings?</p> <p>21 A. Yes.</p>	<p style="text-align: right;">Page 81</p> <p>1 BY MR. CATHELL:</p> <p>2 Q. What are those?</p> <p>3 A. I don't recall right now. I'm sorry.</p> <p>4 Q. Do you know what damages the Complaint is 5 seeking?</p> <p>6 MS. CLARY: Same objection as before.</p> <p>7 You can go ahead and answer if you can.</p> <p>8 THE WITNESS: No, I don't.</p> <p>9 BY MR. CATHELL:</p> <p>10 Q. Do you know -- know the names of the 11 Defendants that you are suing in the case?</p> <p>12 A. Yes, I do know the name.</p> <p>13 Q. And what is the name of the Defendants?</p> <p>14 A. Well, I know because I heard you say it 15 earlier, but I don't -- I don't remember them.</p> <p>16 Q. Have -- have you met with any of the 17 other Plaintiffs?</p> <p>18 A. No.</p> <p>19 Q. Including Latisa Gaymon?</p> <p>20 A. Besides social, if -- that's it.</p> <p>21 Q. When was the last time you were at a</p>

<p>1 social event with Latisa?</p> <p>2 A. It was last Thanksgiving.</p> <p>3 Q. How would you describe the -- the</p> <p>4 relationship between you and Latisa? Are you</p> <p>5 friends, acquaintances, family?</p> <p>6 A. Friends.</p> <p>7 Q. Are you aware that the Complaint is</p> <p>8 asking the court to certify this case as a class</p> <p>9 action?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know what it means to proceed as a</p> <p>12 class action?</p> <p>13 A. Yes.</p> <p>14 Q. And I think you already described your</p> <p>15 understanding, so I'll spare you the follow-up</p> <p>16 question.</p> <p>17 Do you know how many proposed class</p> <p>18 members there are?</p> <p>19 A. No.</p> <p>20 Q. Do you know which law firms represent the</p> <p>21 proposed class members?</p>	Page 82	<p>1 Q. I'm assuming you are aware that you've</p> <p>2 been designated as a class representative in this</p> <p>3 lawsuit?</p> <p>4 A. Yes.</p> <p>5 Q. You're also aware that you've been</p> <p>6 des- -- actually, I believe you told me you do not</p> <p>7 know if you were designated as a class</p> <p>8 representative in the federal lawsuit, correct?</p> <p>9 MS. CLARY: Objection. I don't think you</p> <p>10 asked her that.</p> <p>11 BY MR. CATHELL:</p> <p>12 Q. Have you been designated as a class</p> <p>13 representative in the federal suit against ECFMG?</p> <p>14 A. Yes.</p> <p>15 MS. CLARY: Hence, why I thought you did</p> <p>16 not ask.</p> <p>17 BY MR. CATHELL:</p> <p>18 Q. Do you know what it means to be</p> <p>19 a -- strike that.</p> <p>20 What is your role as a class</p> <p>21 representative?</p>	Page 84
<p>1 A. Yes.</p> <p>2 Q. And which firms are those?</p> <p>3 A. Well, I know this law firm, the one that</p> <p>4 represents me.</p> <p>5 Q. Any others?</p> <p>6 A. Other than that, no, I don't know of any</p> <p>7 others.</p> <p>8 Q. Do you know whether each member of the</p> <p>9 proposed class is asserting the same claims as you</p> <p>10 are?</p> <p>11 A. No, I do not know.</p> <p>12 Q. Have you tried to learn about the claims</p> <p>13 of the other proposed class members in this case?</p> <p>14 A. No.</p> <p>15 Q. Have you determined whether your claims</p> <p>16 are different than theirs in any way?</p> <p>17 A. No.</p> <p>18 Q. Do you know whether each member of the</p> <p>19 proposed class is seeking the same damages as you</p> <p>20 in this case?</p> <p>21 A. No.</p>	Page 83	<p>1 A. To be the voice of all of the ladies that</p> <p>2 can't speak.</p> <p>3 Q. Why can't they speak?</p> <p>4 A. They could speak, but they can't speak</p> <p>5 right here right now. They can't tell you guys how</p> <p>6 disgusted they feel, how violated, how hurt to</p> <p>7 trust somebody who they called their doctor, and</p> <p>8 come to find out, that doctor, who we put our life</p> <p>9 in his hands, was a fraud.</p> <p>10 Q. Do you know whether there was a mediation</p> <p>11 in this matter?</p> <p>12 A. No.</p> <p>13 Q. Have you --</p> <p>14 MS. CLARY: I'm sorry. It's belated, but</p> <p>15 I'd just object to the term mediation. As a</p> <p>16 nonlawyer, she may not know what that is.</p> <p>17 BY MR. CATHELL:</p> <p>18 Q. Do you know whether the parties in this</p> <p>19 case engaged in settlement talks in an effort to</p> <p>20 settle the case?</p> <p>21 A. Yes.</p>	Page 85

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1 Q. You do know that?	1 take it up later.
2 A. Yes, I do.	2 BY MR. CATHELL:
3 Q. Okay. And what is -- did you at any time	3 Q. Have you seen any of the documents that
4 talk or correspond with the other Plaintiffs	4 have been produced by the Defendants in this case?
5 regarding those settlement discussions?	5 A. Yes, I did.
6 A. No.	6 Q. Okay. What did you review?
7 Q. Are you aware that a settlement offer was	7 A. There's been so many documents. I do not
8 made --	8 remember.
9 A. Yes.	9 Q. Do you know whether Dr. -- I'm sorry,
10 Q. -- on behalf of the Defendants?	10 were you finished?
11 A. Yes.	11 A. Yes.
12 Q. Okay. And what is your understanding as	12 Q. Okay. Do you know whether Dr. Akoda is a
13 to what that settlement offer was?	13 defendant in this lawsuit or not?
14 A. A thousand.	14 A. No, I do not know.
15 Q. And did you decline that settlement	15 Q. What is your understanding as to what the
16 offer?	16 allegations are in the federal suit against ECFMG?
17 A. Yes.	17 MS. CLARY: Objection to the extent I do
18 Q. And Ms. Clary is going to object, so if	18 think that was covered, but go ahead again.
19 you'll give her a second before answering. Do you	19 THE WITNESS: They allowed him to
20 know whether you're responsible for paying any of	20 continue to practice without him having the proper
21 the costs and expenses of this litigation?	21 credentials that is needed.
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1 MS. CLARY: Objection. I'm going to	1 BY MR. CATHELL:
2 instruct her not to answer for the reasons we've	2 Q. What is your understanding of ECFMG's
3 discussed already.	3 role in certifying Dr. Akoda?
4 BY MR. CATHELL:	4 A. Could you repeat that?
5 Q. Did you --	5 Q. Sure. What is your understanding -- and
6 MR. CATHELL: Thank you.	6 I'm asking you this as a result of your being in
7 BY MR. CATHELL:	7 that lawsuit.
8 Q. Did you sign a retainer agreement with	8 What is your understanding of ECFMG's
9 Schochor, Federico and Staton?	9 role in certifying Dr. Akoda?
10 MS. CLARY: I'm going to let you answer	10 A. I do not recall. I don't remember.
11 yes or no, but I don't want you to disclose	11 Q. Do you have any knowledge as to what type
12 anything further beyond a yes or a no answer.	12 of background checks ECFMG conducts?
13 THE WITNESS: Yes.	13 A. Birth certificate, Social Security,
14 BY MR. CATHELL:	14 passport.
15 Q. And we would ask -- we will be asking	15 Q. Other than the call you received from
16 your attorney to provide it I know they object.	16 Latisa Gaymon -- strike that.
17 MR. CATHELL: But just, for the record, I	17 You received a telephone call from
18 want to indicate that we are requesting the	18 Ms. Gaymon. You then proceeded to Google the
19 retainer agreement.	19 allegations against Dr. Akoda.
20 MS. CLARY: I object. I think we've	20 Did you at any time see any advertising,
21 covered the objection and your response, and we'll	21 such as TV commercials, or social media links, or

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1 radio commercials regarding the all- -- sorry, 2 regarding the allegations? 3 A. After the fact. 4 Q. After what fact? 5 A. After I already had contacted my lawyers. 6 Q. And what do you recall -- again, not 7 anything related to them, but what do you recall 8 see -- recall seeing or hearing? 9 A. On the radio, if you were a patient of 10 Dr. Akoda, please contact, and they said a phone 11 number. You have been a victim of a scam. 12 Q. Anything else? 13 A. No. 14 Q. And do you remember specifically, was it 15 a TV advertisement or -- I'm sorry, you said it was 16 a radio advertisement? 17 A. Radio. 18 Q. And do you recall specifically which law 19 firm was sponsoring that advertisement? 20 A. I do not remember. I don't recall which 21 firm it was.	1 Q. And you did not care about the OB/GYN's 2 race? 3 A. No. 4 Q. Or nationality? 5 A. No. 6 Q. And you did not care about the exact 7 location of the OB/GYN, beyond being local, 8 correct? 9 A. Well, at first, I didn't want to deliver 10 my child at PGH, but I didn't have no choice. 11 Q. And why did you not have a choice? 12 A. Because the doctor's office, that was the 13 only hospital they were associated with. 14 Q. Is it fair to say that you not -- did not 15 care about the name of your physician? 16 A. The name, no. 17 Q. You agree that Dr. Akoda delivered your 18 baby safe -- safe and healthy? 19 MS. CLARY: Objection. I think it's been 20 covered, but go ahead. 21 THE WITNESS: Yes.
1 Q. And hearing that advertisement -- strike 2 that. 3 Did you participate in any interview with 4 any media person or organization about your 5 involvement with Dr. Akoda? 6 A. No. 7 Q. Did you go on The Dr. Oz Show? 8 A. No. 9 Q. Were you contacted to go on The Dr. Oz 10 Show? 11 A. No. 12 Q. Is it fair to say that when you were 13 choosing your OB/GYN, you selected an OB/GYN based 14 upon the skill set of the physician? 15 A. Yes. 16 Q. And your concern was that he or she could 17 deliver your baby safely and healthy, correct? 18 A. Yes. 19 Q. And you did not care if your OB/GYN was a 20 man or a woman? 21 A. No.	1 BY MR. CATHELL: 2 Q. And it's my understanding that Jaiden is 3 four now, correct? 4 A. Correct. 5 Q. And I'm hopeful that Jaiden is currently 6 healthy; is that correct? 7 A. Yes. 8 Q. And was Jaiden the only baby you 9 delivered with Dr. Akoda? 10 A. Yes. 11 Q. At any time during any care and treatment 12 that Dr. Akoda provided to -- to you, did you ever 13 ask for a different doctor? 14 A. No. 15 Q. We talked briefly about the six-week 16 check -- postpartum check-up where you came back in 17 to see Dr. Akoda, and you mentioned that he 18 diagnosed you with a cyst at that time and had 19 removed that cyst, is that an accurate 20 representation of your testimony? 21 A. That's correct.

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<p>1 Q. And, to your knowledge, was the cyst, in 2 fact, removed at that time?</p> <p>3 A. I don't have -- he claimed he -- he 4 burned it. I don't know.</p> <p>5 Q. Okay. Fair enough. If -- do you have 6 any ongoing signs or symptoms or injuries related 7 to the cyst?</p> <p>8 A. I had pain. I went to the emergency room 9 at Southern Maryland Hospital, and they said I had 10 an ovarian cyst still. And this is recently, last 11 year recently. I also have cyst in my kidneys.</p> <p>12 Q. Okay.</p> <p>13 A. This is recently. So, if it was removed, 14 I'm -- I don't know.</p> <p>15 Q. As -- okay. Is -- has anyone -- strike 16 that.</p> <p>17 Has any doctor told you that Dr. Akoda 18 didn't effectively remove the ovarian cyst at your 19 six-week postpartum appointment?</p> <p>20 A. No.</p> <p>21 Q. Do you have any reason to believe that</p>	<p>1 she mentioned earlier. She talked about the -- an 2 employment change.</p> <p>3 MR. CATHELL: Right.</p> <p>4 BY MR. CATHELL:</p> <p>5 Q. Other than that?</p> <p>6 A. Other than that, no.</p> <p>7 Q. Okay.</p> <p>8 (Whereupon, there was a pause for 9 document examination.)</p> <p>10 MR. CATHELL: That's all I have, ma'am.</p> <p>11 Thank you very much.</p> <p>12 MS. CLARY: She'll read and sign.</p> <p>13 THE WITNESS: Thank you.</p> <p>14 THE VIDEOGRAPHER: This concludes today's 15 videotape deposition of Elsa Powell. This is media 16 unit number two of two. Going off the record. The 17 time is 11:49 a m.</p> <p>18 (Whereupon, the deposition of Elsa 19 Miguelina Powell was concluded at 11:49 a m., and 20 the reading and signing of the transcript was not 21 waived.)</p>
Page 95	Page 97
<p>1 the ovarian cyst that was discovered at Southern 2 Maryland is the same cyst or is related to the cyst 3 that Dr. Akoda removed?</p> <p>4 A. I -- I wouldn't be able to tell you. I 5 don't -- I don't know.</p> <p>6 MR. CATHELL: I think we're finished, if 7 I could just look through my notes briefly.</p> <p>8 THE WITNESS: Okay.</p> <p>9 MS. CLARY: Sure.</p> <p>10 MR. CATHELL: You'll definitely be on the 11 road by 12.</p> <p>12 (Whereupon, there was a pause for 13 document examination.)</p> <p>14 BY MR. CATHELL:</p> <p>15 Q. I showed you your Answers to 16 Interrogatories and marked them an exhibit, but I 17 don't think I asked you the question of whether 18 they are accurate sitting here today or whether you 19 would want to make any additions or revisions to 20 the answers?</p> <p>21 MS. CLARY: Other than the one revision</p>	<p>1 Russell v. Dimensions 2 Elsa Miguelina Powell 3 INSTRUCTIONS TO THE WITNESS 4 Please read your deposition over 5 carefully and make any necessary corrections. You 6 should state the reason in the appropriate space on 7 the errata sheet for any corrections that are made. 8 After doing so, please sign the errata 9 sheet and date it.</p> <p>10 You are signing same subject to the 11 changes you have noted on the errata sheet, what 12 will be attached to the deposition. 13 It is imperative that you return the 14 original errata sheet to the deposing attorney 15 thirty (30) days of receipt of the deposition 16 transcript by you. If you fail to do so, the 17 deposition transcript may be deemed to be accurate 18 and may be used in court. 19 20</p>

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1	Russell v. Dimensions		1 State of Maryland
2	Elsa Miguelina Powell		2 County of Baltimore, to wit:
3	ERRATA		3 I, Michele D. Lambie, a Notary Public of
4	PAGE LINE CHANGE		4 the State of Maryland, County of Baltimore, do
5	---		5 hereby certify that the within-named witness
6	Reason: _____		6 personally appeared before me at the time and place
7	---		7 herein set out, and after having been duly sworn by
8	Reason: _____		8 me, according to law, was examined by counsel.
9	---		9 I further certify that the examination
10	Reason: _____		10 was recorded stenographically by me and this
11	---		11 transcript is a true record of the proceedings.
12	Reason: _____		12 I further certify that I am not of
13	---		13 counsel to any of the parties, nor related to any
14	Reason: _____		14 of the parties, nor in any way interested in the
15	---		15 outcome of this action.
16	Reason: _____		16 As witness my hand this 8th day of April, 2019.
17	---		17 8th day of April 2019.
18	Reason: _____		18
19	---		19  Michele D. Lambie
20	Reason: _____		20
21	Job #3269933		21 My Commission Expires: April 29, 2020
		Page 99	
1	Russell v. Dimensions		
2	Elsa Miguelina Powell		
3	ACKNOWLEDGMENT OF DEPONENT		
4	I, ELSA MIGUELINA POWELL, do hereby		
5	certify that I have read the foregoing pages and		
6	that the same is a correct transcription of the		
7	answers given by me to the questions therein		
8	propounded, except for the corrections or changes		
9	in form or substance, if any, noted in the attached		
10	errata sheet.		
11	_____		
12	DATE	SIGNATURE	
13			
14			
15			
16			
17			
18			
19			
20			
21	Job #3269933		

Maryland Rules of Procedure

Title 2, Chapter 400, Rule 2-415

(D) Signature and Changes

Unless changes and signing are waived by the deponent and the parties, the officer shall submit the transcript to the deponent, accompanied by a notice in substantially the following form:

[Caption of case], NOTICE TO [name of deponent].

The enclosed transcript of your deposition in the above-captioned case is submitted to you on [date of submission of the transcript to the deponent] for your signature and any corrections or other changes you wish to make. All corrections and other changes will become part of your sworn testimony.

After you have read the transcript, sign it and, if you are making changes, attach to the transcript a separate correction sheet stating the changes and the reason why each change is being made. Return the signed transcript and any correction sheet to [name and address of officer before whom the deposition was taken] no later than 30 days after the date stated above. If you fail to return the signed transcript and any correction sheet within the time allowed, the transcript may be used

As if signed by you. See Rules 2-415 and 2-501 of the Maryland Rules of Procedure.

Within 30 days after the date the officer mails or otherwise submits the transcript to the Deponent, the deponent shall (1) sign the transcript and (2) note any changes to the form or substance of the testimony in the transcript on a separate correction sheet, stating the reason why each change is being made. The officer promptly shall serve a copy of the correction sheet on the parties and attach the correction sheet to the transcript. The changes contained on the correction sheet become part of the transcript. If the deponent does not timely sign the transcript, the officer shall sign the transcript, certifying the date that the transcript was submitted to the deponent with the notice required by this section and that the transcript was not signed and returned within the time allowed. The transcript may then be used as if signed by the deponent, unless the court finds, on a motion to suppress under section (i) (j) of this Rule, that the reason for the failure to sign requires rejection of all or part of the transcript.

(I) Further Deposition Upon Substantive Changes to Transcript

If a correction sheet contains substantive changes, any party may serve notice of a further deposition of the deponent limited to the subject matter of the substantive changes made by the deponent unless the court, on motion of a party pursuant to Rule 2-403, enters a protective order precluding the further deposition.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.